

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Z.A., an Infant, by and through his Parents and Natural  
Guardians, CARMIT ARCHIBALD and GEORGES  
ARCHIBALD, and CARMIT ARCHIBALD,  
Individually,

Case No. 1:24-cv-03742-VSB

Plaintiff(s),

-against-

HYATT CORPORATION,

Defendant(s).

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**AFFIRMATION IN SUPPORT OF REQUEST FOR CERTIFICATE OF DEFAULT**

Evan M. Goldberg, an attorney duly admitted to practice in this court, hereby affirms that the following statements are true and accurate to best of my knowledge, information and belief under the penalty of perjury:

1. I am the principal of the law office of Evan Miles Goldberg PLLC, and the attorney of record for the plaintiffs in this action. As such, I am familiar with the facts and circumstances of this action.
2. This action commenced on April 09, 2024, with the filing of the Summons and Verified Complaint in the Supreme Court of the State of New York, County of New York, Index No. 153296/2024. *See* ECF No. 1-1.
3. On April 15, 2024, defendant Hyatt Corporation was served with the Summons and Verified Complaint via the New York State Secretary of State pursuant to Fed. R. Civ. P. 4 and N.Y. Bus. Corp. Law § 306. Process server Victoria Nelson delivered two copies to Sue Zouky, an authorized agent at the Secretary of State's office, and paid the required fee. The documents were endorsed with the index number and date of filing, and proof of service was

filed on April 17, 2024 in the Supreme Court of the State of New York, County of New York, Index No. 153296/2024. Annexed hereto as Exhibit A is the Affidavit of Service.

4. Defendant Hyatt Corporation, having appeared in this action, filed its Notice of Removal to this Court based on diversity of jurisdiction on May 15, 2024. *See* ECF Nos. 1 and 1-1. *See also* ECF No. 5.

5. The time for defendant Hyatt Corporation to answer, move, or otherwise defend against Plaintiffs' Complaint in this action has expired and has not been extended.

6. Defendant Hyatt Corporation is not an infant or incompetent and is not presently in the miliary service of the United States.

**WHEREFORE**, Plaintiffs respectfully request that the default of defendant Hyatt Corporation be noted, and a certificate of default issued.

Dated: New York, NY  
July 11, 2024

Respectfully submitted,

By: /s/ Evan M. Goldberg  
Evan M. Goldberg, Esq.  
EVAN MILES GOLDBERG, PLLC  
400 East 57th Street, Ste. 4M  
New York, NY 10022  
(212) 888-6497  
[egoldberg@emglawfirm.com](mailto:egoldberg@emglawfirm.com)

*Attorneys for Plaintiffs Z.A. et al.*

# Exhibit A

SUPREME COURT OF THE STATE OF NEW  
YORK  
COUNTY OF NEW YORK  
AFFIDAVIT OF SERVICE



\*178346\*

Index no : 153296/2024

Date Index Number Purchased: 04/09/2024

Plaintiff(s):	Z.A., AN INFANT, BY AND THROUGH HIS PARENTS AND NATURAL GUARDIANS, CARMIT ARCHIBALD AND GEORGES ARCHIBALD, AND CARMIT ARCHIBALD, INDIVIDUALLY
Defendant(s):	HYATT CORPORATION

STATE OF NEW YORK  
COUNTY OF ALBANY ss.:

**Victoria Nelson**, being duly sworn, deposes and says: that the deponent is not a party to this action, is over 18 years of age and resides in the State of New York.

That on **04/15/2024** at **3:40 PM**, at the office of the Secretary of State of the State of New York in the City of Albany, NY, deponent served the within **NOTICE OF ELECTRONIC FILING, SUMMONS, VERIFIED COMPLAINT WITH EXHIBITS AND VERIFICATION** upon **HYATT CORPORATION** at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231.

Defendant/respondent in this action by delivering and leaving with **SUE ZOUKY**, authorized agent in the office of the Secretary of State of the State of New York, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231-0001, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of \$40.00. That said service was made pursuant to Section **306 of the Business Corporation Law**.

Deponent further says that the person so served was known as aforesaid to be an authorized agent in the office of the Secretary of State of the State of New York duly authorized to accept such service on the behalf of said defendant/respondent.

Deponent further states that the person actually served is described as follows :

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	White	Black/Gray	65-70	5Ft0In	120 lbs

Other Features:

Documents were properly endorsed with index number and date of filing.

Sworn to and subscribed before me on 04/16/2024

Notary Public

Victoria Nelson  
Notary Public, State of NY  
No. 01NE6376548  
Qualified in Albany County  
Commission expires 06/11/2026

(Kerry Gunner  
Notary Public, State of NY  
No. 01GU5038710  
Qualified in Albany County  
Commission expires 02/06/2027

X \_\_\_\_\_  
Victoria Nelson  
Your Dream Team, Inc.  
P.O. Box 7312  
Hicksville, NY 11801  
5164763016  
10853002  
10853002

